

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 23-1126V

DANIEL MITCHELL,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: March 18, 2025

Jubaile Abila, Groth Law Firm, Wauwatosa, WI, for Petitioner.

Neil Bhargava, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON ATTORNEY'S FEES AND COSTS¹

On July 20, 2023, Daniel Mitchell filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the "Vaccine Act"). Petitioner alleged that he suffered a Table shoulder injury related to vaccine administration as a result of an influenza vaccine which he received on October 8, 2021. Petition, ECF No. 1. On September 12, 2024, I issued a decision awarding compensation to Petitioner based on the Respondent's proffer. ECF No. 27.

¹Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

Petitioner has now filed a motion for attorney's fees and costs, requesting an award of \$29,457.21 (representing \$28,187.90 in fees plus \$1,269.31 in costs). Application for Attorneys' Fees and Costs ("Motion") filed December 19, 2024, ECF No. 32. Furthermore, Petitioner filed a signed statement representing that Petitioner incurred no personal out-of-pocket expenses. *Id.* at 31. Respondent did not react to Petitioner's Motion thereafter.

I have reviewed the billing records submitted with Petitioner's request. Petitioner is requesting that I endorse the hourly rate of \$475 for 2024 work performed by attorney Jonathan P. Groth. Petitioner represents that Mr. Groth has been a licensed attorney for over 24 years and is admitted to practice before this Court. ECF No. 32-1 at 3. In my experience, the request appears reasonable, and I find no cause to reduce the requested hours or rates.

Furthermore, Petitioner has provided supporting documentation for all claimed costs. ECF No. 32-1 at 13-31. Respondent offered no specific objection to the rates or amounts sought. I find the requested costs reasonable and hereby award them in full.

The Vaccine Act permits an award of reasonable attorney's fees and costs for successful claimants. Section 15(e). Accordingly, I hereby GRANT Petitioner's Motion for attorney's fees and costs. **Petitioner is awarded attorneys' fees and costs in the total amount of \$29,457.21 (representing \$28,187.90 in fees plus \$1,269.31 in costs) to be paid through an ACH deposit to Petitioner's counsel's IOLTA account for prompt disbursement.** In the absence of a timely-filed motion for review (see Appendix B to the Rules of the Court), the Clerk of Court shall enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran
Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.